

MEMO ENDORSED

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September 5, 2012

Hon. Vincent L. Briccetti
United States Courthouse
300 Quarropas Street, Room 630
White Plains, New York 10606

Re: Caruso Glynn LLC v. SAI Trust & Robert Membreno
Docket No. 7:11-cv-4360
Our ref. 30937-JJS

Dear Honorable Sir:

This office represents defendants, SAI Trust and Robert Membreno in the above-captioned matter. We write in response to the September 4, 2012, letter to the Court from plaintiff.

Both this Court and Queens County Civil Court have ordered the parties to arbitration in accordance with Part 137 of the New York Court Rules and Regulations. Plaintiff is seeking to avoid the consequences of its stipulation and the Orders of both Courts by asserting a contingency fee claim that cannot be maintained in good faith under any interpretation of the New York law. Plaintiff's letter of September 4th seeks to re-visit the Court's July 9, 2012, Order without a proper basis procedurally or substantively.

On this date we have written to the Arbitration Administrator in Queens County reaffirming our clients' intention to arbitrate the fee dispute in accordance with the parties' stipulation and the Courts' Order.

We thank the Court for its attention to the foregoing.

Respectfully yours,

HILL RIVKINS LLP

John J. Sullivan

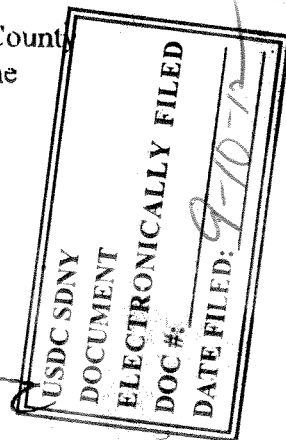
JJS:mgw
30937/005-Judge Briccetti

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